

**Department of Personnel Administration  
Memorandum**

**TO: Personnel Management Liaisons (PML)**

<b>SUBJECT:</b> Fair Share Fee Rescission Election - Bargaining Unit 1	<b>REFERENCE NUMBER:</b> 2007-032
<b>DATE ISSUED:</b> 10/29/07	<b>SUPERSEDES:</b>

This memorandum should be forwarded to:

**Labor Relations Officers  
Personnel Officers  
Human Resource Managers**

**FROM:** Department of Personnel Administration  
Labor Relations Division

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The Public Employment Relations Board (PERB) has approved a Fair Share Fee Rescission Election for Bargaining Unit 1.

**NEUTRALITY**

The law requires that the Unit 1 fair share fee rescission election be conducted fairly, efficiently, and in full compliance with PERB instructions. All managers, supervisors, and other excluded employees are reminded that, as an employer, the State has no interest in the outcome of this election. The choice of whether or not fair share fees are to continue is a matter for represented employees of the bargaining unit to decide. Managers, supervisors and excluded employees are cautioned not to make any statements or otherwise express favoritism or bias regarding the outcome of the election.

The term "all managers, supervisors, and other excluded employees" includes employees who are serving in out-of-class assignments, training and development assignments or otherwise serving in an "acting" capacity as a manager, supervisor or excluded employee as well as any employee holding any type of appointment (i.e., permanent, limited term, temporary, probationary, etc.) to a managerial, supervisory, or other excluded classification.

**NOTICES OF ELECTION**

On or about November 5, 2007, the Department of Personnel Administration (DPA) will send an electronic copy of the PERB "Notice of Fair Share Fee Rescission Election" to all department Employee Relations Officers. No hard copies of the notices will be provided. Each department, agency, board and commission will be required to print a sufficient number of hard (paper) copies of the notices for their own department, agency, board or commission.

All departments, agencies, boards and commissions with employees in Bargaining Unit 1 are required to post copies of the PERB "Notice of Fair Share Fee Rescission Election". In accordance with PERB instructions, these notices are to be posted conspicuously on all employee bulletin boards in each facility with employees in Unit 1 classifications. The intent of this order is to provide the broadest distribution possible and ensure that all Unit 1 employees are aware of the fair share fee rescission election.

These notices must be posted at all departmental sites no later than November 13, 2007 and remain posted through December 28, 2007.

Department Employee Relations Officers are responsible for the posting of the "Notice of Fair Share Fee Rescission Election". Once DPA sends the electronic copy of the notice to departments, each ERO will be required to submit a signed certification that the notices have been posted.

#### **ACCESS AND ELECTION MATERIALS**

During the election period, both SEIU, Local 1000 and the petitioner's representative are entitled to meaningful access to employees. This means that both parties, with prior notice and permission, may visit the worksite and meet with employees during non-work time (e.g., breaks, meal periods, before and after work, etc.) and in non-work areas consistent with each department's access policies.

Both SEIU, Local 1000 and the petitioner's representative may post materials at the worksites. Where a bulletin board exists for the exclusive use of SEIU, Local 1000 equivalent posting space must be made available to the petitioner's representative upon request. Facility management shall identify other existing bulletin boards for this purpose.

Any material mailed to individual employees at the work address is to be stamped and handled as any other first class mail to the employees would be handled. Departments are not to distribute bulk mailings from either organization.

#### **RESCISSION ELECTION TIMELINE**

November 5	DPA sends electronic copy of PERB "Notice of Fair Share Fee Rescission Election" to all departments
November 13	Latest date for department EROs to post hard copy notices in all departmental facilities with Unit 1 employees
November 15	PERB mails announcement of election to all eligible voters and posts an electronic copy of the "Notice of Fair Share Fee Rescission Election" on its website at <a href="http://www.perb.ca.gov">www.perb.ca.gov</a>

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November 27	PERB mails rescission election ballot to all eligible voters
December 5 – 11	Duplicate ballot period
December 26	Ballots due to PERB
December 28	Ballots counted at PERB

/s/ Julie Chapman

Julie Chapman  
Deputy Director –  
Labor Relations